

RECLAMATION

Managing Water in the West

Draft Finding of No Significant Impact – Five-Year Reallocation of Central Valley Project Water From the Sacramento Valley Units of the National Wildlife Refuge System to San Joaquin Valley Wildlife Refuges

FONSI No. NC-11-10

**Central Valley Project, CA
Mid-Pacific Region**



U.S. Department of the Interior
Bureau of Reclamation

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Background

In 2010, the Bureau of Reclamation approved the reallocation and delivery of up to 8,000 acre-feet (af) of Level 2 and Incremental Level 4 water (collectively referred to as refuge water supplies) from Sacramento Valley National Wildlife Refuges (SVNWRs) to San Joaquin Valley National Wildlife Refuges, State Wildlife Areas, and the private Grassland Resource Conservation District, collectively referred to as the San Joaquin Valley Wildlife Refuges (SJVWRs) in the Central Valley Project Improvement Act of 1992 (CVPIA), (106 Stat. 4706). These refuge water supply reallocations were approved for the seasonal period of transfer (July through September) allowed under the then prevailing biological opinions (BOs) issued by the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (Service). However, to provide greater benefit to SJVWRs with late-season water, it is proposed to reallocate and deliver up to 10,000 af of SVNWRs' water supplies outside the water transfer period allowed by the BOs so long as those deliveries are unlikely to adversely affect federally listed species.

Under this proposed action, in the water years 2012-2016 (March 1, 2012 – February 28, 2016), conditional approval of late-season deliveries of reallocated water from the SVNWRs to the SJVWRs would occur when such deliveries would be consistent with the then applicable BOs, court orders, and regulatory constraints. This would allow such transfers to occur in a timely fashion without further National Environmental Policy Act (NEPA) review so long as compliance with the Endangered Species Act (ESA) was confirmed.

Absent this action, movement of reallocated water would be restricted to conditions addressed in Reclamation's 2010 approval of the reallocation and delivery of up to 8,000 af of Level 2 water annually from the SVNWR to the SJVWR. These reallocations were approved for the seasonal periods of transfers allowed under the then prevailing guidance of BOs issued by NMFS and the Service.

This approach recognizes the continual evolution of the constraints on operations in the Sacramento-San Joaquin Delta (Delta) and the need to balance the needs of the fisheries and the birds on a case-by-case basis and the need to move rapidly when a late-season transfer would be compliant with the then applicable BOs, court rulings, and other constraints for rapid approval of such late-season reallocations. This approach would remove the need for further NEPA review so long as compliance with the ESA is the only issue of concern and such compliance is confirmed.

This movement of this relatively small amount of refuge water would not mean that movement of larger volumes of water would necessarily be feasible in compliance with the then operative BOs. Any other movements of water outside the normal periods would require separate NEPA review.

Findings

In accordance with the National Environmental Policy Act of 1969, as amended, Reclamation's Mid-Pacific Regional Office has determined that an Environmental Impact Statement is not required for this reallocation of up to 8,000 af of water per year.

This Finding of No Significant Impact is based on the following:

1. Central Valley Project operations will not be affected, and no construction will be required.
2. Species in the Sacramento and San Joaquin Valleys that are listed under the ESA will be benefited, not adversely affected, because the action will maintain existing wetlands uses and will not cause any physical changes.
3. Species in the Delta that are listed under the ESA are unlikely to be adversely affected by this action given the requirement that the appropriate staff of Reclamation, NMFS, and the Service will have to concur, on a case-by-case basis, with the compliance of operations with applicable regulatory and judicial guidance, excepting deviation from the guidance regarding timing of transfers that are intended for application to large agricultural and urban transfers.
4. Cultural resources will not be at risk because existing facilities will be used and land uses will remain unchanged.
5. No Indian Trust Assets will be affected because the action will simply maintain an existing operation in support of natural resources without causing change in the area of origin.
6. The temporary reallocation is consistent with federal policies on environmental justice because the proposed action will benefit lower- and higher-income neighborhoods equally.

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Recommended:	<u>Tim Rust</u>	<u>August 30, 2011</u>
	Environmental Specialist	Date
	Mid-Pacific Region	

Concur: _____ Date _____
Environmental Specialist
Northern California Area Office

Approved: _____ Date _____
Area Manager Northern California Area Office

Concur: _____ Date _____
Regional Environmental Officer
Mid-Pacific Region